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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**[PROPOSED] ORDER
GRANTING OBJECTIONS TO
LIABILITY WITNESS LIST
AND MOTIONS IN LIMINE
TO EXCLUDE WITNESSES
FOR FAILURE TO
ADEQUATELY SPECIFY
TESTIMONY**

ORDER GRANTING ADAMS OBJECTION TO LIABILITY WITNESS
LIST AND MOTION TO EXCLUDE WITNESSES FOR
FAILURE TO ADEQUATELY SPECIFY TESTIMONY

1 This Court's Pre-Trial Order instructed: "As to each witness so listed (even though the
2 witness may have been deposed), counsel will disclose the testimony expected to be elicited from
3 that witness at trial. *The disclosure will be specific and not general*, the purpose being to avoid
4 surprise and delay at trial and *to give opposing counsel an adequate basis for developing cross-*
5 *examination.*" Docket 177 at 3 (emphasis added). Teck Cominco has filed a witness list for the
6 liability phase of trial. Docket 197. The Adams plaintiffs have moved to exclude 11 witnesses
7 because of Teck Cominco's alleged failure to adequately specify the testimony expected to be
8 elicited from each. The Court has reviewed Docket 197, and GOOD CAUSE APPEARING
9 THEREFORE, IT IS ORDERED THAT:

10 1. The testimony of Joyce Tsuji as to "work performed by Exponent for Red Dog Mine"
11 is barred from trial as this description lacked the requisite specificity.

12 2. Richard Brown, Peter Chapman, Greg Horner, Kevin Lackey, Jackie Lundberg, Mike
13 Schierman, Mike Stanoway, William Stubblefield and Jason Weakley are barred from testifying
14 at the liability phase as the description of their testimony lacked the requisite specificity.

15 3. The testimony of Kathleen Willman as to "water balance issues" is barred from trial as
16 the description of this testimony lacks the requisite specificity.

17 IT IS SO ORDERED.

18 DATE:

19 _____
Judge of the District Court

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2008, a true and correct copy of the foregoing Proposed Order Granting Objections to Liability Witness List and Motion to Exclude Witnesses for Failure to Adequately Specify Testimony, was served, via electronic mail, on the below identified parties of record:

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/S/Luke Cole

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